

IV. AMENDMENT TO THE DRAWINGS

Please accept amendment to the drawings as represented by the replacement sheet of FIG.

10. In the amended FIG. 10, “ESD Sensitivity Monitor” is designated using reference character “252” instead of “162”.

V. REMARKS

Claims 1-35 are pending in this application. By this Amendment, the drawings, the specification and claims 5, 7-8, 10-12 and 16 have been amended. Applicants do not acquiesce in the correctness of the rejections and the objection and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

1. Objection to the specification and drawings.

In the Office Action, the drawing are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters “162” and “252” have both been used to designate “ESD sensitivity monitor” in FIG. 10. By this Amendment, the drawings, specifically, FIG. 10, have been amended to resolve this condition. Accordingly, Applicants respectfully request withdrawal of the objection.

In the Office Action, the specification is objected to because of a typographical error. Applicants submit that the current specification, as filed, does not include the identified typographical error. However, this error is present in the specification document shown in the image file wrapper. As such, Applicants submit that this typographical error happened in the Office in the processing of the application. By this Amendment, the specification has been revised to correct this typographical error. Accordingly, Applicants respectfully request withdrawal of the objection.

2. 35 U.S.C. 112 rejections

In the Office Action, claims 5-8, 10-11 and 16 are rejected under 35 U.S.C. 112 because allegedly there is insufficient antecedent basis for the claim limitations in the claims, respectively. By this Amendment, claims 5, 7-8 and 10-11 have been amended to resolve this condition. Regarding claim 16, Applicants submit that the phrase “in the case that...” is a usage in the English language such that the use of “the” does not require any antecedent basis. Nevertheless, by the Amendment, claim 16 has been revised for clarification purposes. In view of the foregoing, Applicants respectfully request withdrawal of the rejection.

3. 35 U.S.C. 101 rejections

In the Office Action, claims 1-6 and 12-18 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Specifically, with respect to claim 1, the Office alleges that “the optimization of the floor schedule based on sensitivity data ... is considered to include mathematical algorithm that have not been incorporated in any computer readable medium to produce a useful, concrete and tangible result.” (Office Action at pages 3-4). Claims 2-6 are rejected because of their references to claim 1. Applicants respectfully disagree because the claimed method outputs a useful, concrete and tangible result and controls a specific process. Specifically, the claimed floor schedule “indicates the specific tools, activities, etc., that are to be used in the assembly of a device or assembly lot.” (¶0032 of the current application). The optimization of the floor schedule is thus useful to be used in the tangible process of assembly to produce concrete results, e.g., devices. That is, the optimization of the floor

schedule controls the assembly process which is tangible and concrete. In view of the foregoing, claim 1 is statutory and Applicants respectfully request withdrawal of the rejection of claims 1-6.

With respect to claim 12, the above arguments also apply. In addition, with respect to claim 16, the Office asserts that the “computer usable medium” is considered to include transitory waves and carrier waves which are not patentable. (Office Action at page 4, *citing O'Reilly v. Morse* (15 How) 62 (1854).) By this Amendment, claim 12 has been amended to include “a tangible computer useable medium”. However, Applicants submit that even if the medium is considered to include tangible carrier waves, it is statutory because tangible carrier waves are statutory articles. In addition, please note, the “signal” claim 5 of *O'Reilly v. Morse* is not found non-statutory by the Supreme Court. As such, Applicants submit that the amendment of claim 12 does not indicate that Applicants admit or acquiesce in the correctness of the reasoning of the Office in rejecting claims 12-18 under 35 U.S.C. 101. In view of the foregoing, Applicants submit that claims 12-18 are directed to statutory subject matter and the rejection should be withdrawn.

4. 35 U.S.C. 102(e) rejection

In the Office Action, claims 1-2, 4, 7-10, 12-16, 18-21, 23-24, 26-27 and 39-31 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Chong et al. (USPN 6,842,661), hereinafter “Chong.” Applicants respectfully traverse this rejection because Chong does not disclose each and every claimed feature. For example, with respect to independent claims 1, 12, 19 and 26, Chong does not disclose, *inter alia*, “optimizing the floor schedule based on sensitivity data of the device[.]” (Claim 1, similarly claimed in claims 12, 19 and 26). Chong only discloses detecting “data relating to the electrical characteristics of various interconnect locations” (col. 5,

lines 11-13), “interconnect characteristics” (col. 5, line 60), barrier layer position and characteristics of a contact formed in a trench and characteristics of the trench 540 (*see*, col. 6, lines 20-26), and “physical or electrical characteristics of the devices formed across the semiconductor wafer 105” (col. 8, lines 51-52). None of the above disclosures include sensitivity data. Note that sensitivity refers to a degree of change in one thing in response to a unit amount of change in another thing. (*See, e.g., The American Heritage® Dictionary of the English Language, Fourth Edition*, sensitivity is “the degree of response of a receiver or instrument to an incoming signal or to a change in the incoming signal[.]” Chong does not disclose collecting such sensitivity data. As such, Chong does not disclose optimizing a floor schedule based on sensitivity data of the device. In view of the foregoing, Chong does not anticipate the claimed invention. The dependent claims are believed allowable for the same reasons, as well as for their own additional features.

5. 35 U.S.C. 103(a) rejections

In the Office Action, claims 3 and 28 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chong in view of Kraz (US Pub. No. 2004/0082083); claims 11-12 and 32-35 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chong in view of Miller (USPN 6,535,783); claims 5 and 17 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chong in view of Conboy (USPN 6,711,450); claim 6 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chong in view of Conboy and further in view of Shirley (USPN 6,351,684); and claim 25 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chong in view of Miller and further in view of Conboy. Applicants respectfully traverse these rejections.

With respect to independent claim 32, the arguments regarding claims 1, 12, 19 and 26 also apply as Chong does not disclose or suggest, *inter alia*, “generating sensitivity data for a device[.]” (Claim 32). Applicants submit that Miller does not overcome, *inter alia*, this deficiency of Chong. As such, the suggested combination of Chong and Miller does not make the claimed invention obvious.

The dependent claims are believed allowable based on their allowable base claims, respectively, as well as for their own additional features.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants’ undersigned representative at the number listed below.

Respectfully submitted,

/Spencer K. Warnick/

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